IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):   Andrew W. Allemann; Shad W. Reynolds; Adam R. Hunter; Justin B. Petro

Assignee: Versata Development Group, Inc.

Title: AUTOMATED SYSTEM AND METHOD FOR MANAGING GOALS

Application No.:   09/895,458   Filing Date: June 29, 2001

Examiner: Susanna M. Meinecke Diaz   Group Art Unit: 3684

Docket No.:   T00046   Customer No.:   33438

July 1, 2010

FILED ELECTRONICALLY

RESPONSE TO FINAL OFFICE ACTION

Dear Sir:

This paper is responsive to the Office action dated February 1, 2010, having a shortened statutory period expiring May 1, 2010. Accompanying this Response is a petition under 37 C.F.R. § 1.136 for extension of time by two (2) months, setting a new time for response of July 1, 2010. Further examination and reconsideration are respectfully requested.

AMENDMENTS TO THE CLAIMS

1   1.   (Currently Amended) A guidance method of maintaining goals using a

2 computer system with at least first and second goal types so as to promote goal

3 alignment, the guidance method comprising:

4   providing a first rule for relationships between goals of the first goal type;

5   providing a second rule for relationships between goals of the first goal type and

6   goals of the second goal type;

7   storing a primary goal of the first goal type;

8   determining content for a user interface, based on the first and second rules, such

9   that the content directs a user of the user interface in generation of content

10   of a secondary goal of the second goal type that causes alignment of the

11   secondary goal with the primary goal of the first goal type;

12   performing using a computer system:

13   storing the secondary goal of the second goal type;

14   determining, with the computer system, if the primary goal has been

15   modified;

16   [[if]] upon modification of the primary goal ~~has been determined to have~~

17   ~~been modified~~, generating an alignment warning with the computer

18   system to provide notice regarding alignment between the

19   modified primary goal and the secondary goal, wherein generating

20   an alignment warning comprises generating an alignment warning

21   for display to alert a viewer of the display of the alignment

22   warning.

1   2.   (Previously Presented) The method of Claim 1, further comprising:

2 activating a wizard, wherein:

3   determining content for the user interface comprises automatically customizing

4   content for a screen capable of being displayed by the wizard, based on at

5   least one of the first rule and the second rule, to direct the user of the user

6   interface in the generation of the content of the secondary goal that results

7   in alignment of the secondary goal with the primary goal.

1   3.   (Previously Presented) The method of Claim 2, further comprising:

2   activating the wizard in response to a request from a user to modify the secondary

3   goal;

4   prompting the user to select a team to be associated with the secondary goal from

5   a drop-down list of teams; and

6   prompting the user to select a parent goal for the secondary goal from a list

7   showing all team goals linked to the selected team.

1   4.   (Previously Presented) The method of Claim 3, further comprising:

2   in response to modification of the secondary goal, automatically determining

3   whether a child goal exists for the secondary goal; and

4   in response to determining that the child goal does exist, automatically flagging

5   the child goal to cause a user interface for an owner of that child goal to

6   indicate that the child goal should be checked for alignment.

1   5.   (Original) The method of Claim 4, further comprising:

2   determining that the owner has verified the alignment of the child goal; and

3   in response to determining that the owner has verified the alignment,

4   automatically unflagging the child goal.

1   6.   (Previously Presented) The method of Claim 5, wherein determining

2 content for the user interface comprises automatically flagging the secondary goal for

3 supervisory approval in response to determining that the user has a supervisor.

1   7.   (Previously Presented) The method of Claim 6, wherein determining

2 content for the user interface comprises:

3   populating objects for a graphical user interface with alignment information and

4   warnings; and

5   providing connections to tools for checking alignment.

1   8.   (Original) The method of Claim 7, wherein populating objects for a

2 graphical user interface with alignment information and warnings comprises specifying

3 an appearance for at least one of a manager warning object, a feedback warning object,

4 and an alignment warning object.

1   9.   (Original) The method of Claim 8, wherein specifying an appearance for

2 at least one of a manager warning object, a feedback warning object, and an alignment

3 warning object comprises highlighting the alignment warning object in response to

4 determining that the parent goal has been modified.

1   10.   (Previously Presented) The method of Claim 8, wherein specifying an

2 appearance for at least one of a manager warning object, a feedback warning object, and

3 an alignment warning object comprises highlighting the manager warning object in

4 response to determining that a supervisor has provided feedback pertaining to the

5 secondary goal.

1   11.   (Original) The method of Claim 7, wherein:

2   providing connections to tools for checking alignment comprises providing an

3   alignment warning object; and

4   the method further comprises displaying an interface for viewing the parent goal,

5   in response to selection of the alignment warning object.

1   12.   (Previously Presented) The method of Claim 7, wherein determining

2 content for the user interface further comprises providing an evaluation status object that

3 indicates whether a supervisor has evaluated the secondary goal.

1   13.   (Previously Presented) The method of Claim 12, wherein determining

2 content for the user interface further comprises providing an evaluation summary object

3 that reflects evaluation results relating to at least one of importance and effectiveness of

4 the secondary goal.

1   14-55.   (Canceled)

1   56.   (Previously Presented) The method of Claim 1 wherein generation of
2   content of a secondary goal of the second goal type that causes alignment of the
3   secondary goal with the primary goal of the first goal type comprises generation of the
4   content of the secondary goal that results in realization of at least part of the primary
5   goal.

1   57.   (Currently Amended) A computer system comprising:
2   a processor; and
3   a memory, coupled to the processor, having code stored therein and executable by
4   the processor for:
5   providing a first rule for relationships between goals of the first goal type;
6   providing a second rule for relationships between goals of the first goal
7   type and goals of the second goal type;
8   storing a primary goal of the first goal type;
9   determining content for a user interface, based on the first and second
10   rules, such that the content directs a user of the user interface in
11   generation of content of a secondary goal of the second goal type
12   that causes alignment of the secondary goal with the primary goal
13   of the first goal type;
14   storing the secondary goal of the second goal type;
15   determining, with the computer system, if the primary goal has been
16   modified; and
17   [[if]] upon modification of the primary goal ~~has been determined to have~~
18   ~~been modified~~, generating an alignment warning with the computer
19   system to provide notice regarding alignment between the
20   modified primary goal and the secondary goal, wherein generating
21   an alignment warning comprises generating an alignment warning
22   for display to alert a viewer of the display of the alignment
23   warning.

1   58.   (Previously Presented) The computer system of Claim 57 wherein the
2   code is further configured for:
3   activating a wizard; and
4   wherein the code for determining content for a user interface is further configured
5   for automatically customizing content for a screen capable of being
6   displayed by the wizard, based on at least one of the first rule and the
7   second rule, to direct the user of the user interface in the generation of the
8   content of the secondary goal that results in alignment of the secondary
9   goal with the primary goal.

1   59.   (Previously Presented) The computer system of Claim 58 wherein the
2   code is further configured for:
3   activating the wizard in response to a request from a user to modify the secondary
4   goal;
5   prompting the user to select a team to be associated with the secondary goal from
6   a drop-down list of teams; and
7   prompting the user to select a parent goal for the secondary goal from a list
8   showing all team goals linked to the selected team.

1   60.   (Previously Presented) The computer system of Claim 59 wherein the
2   code is further configured for:
3   in response to modification of the secondary goal, automatically determining
4   whether a child goal exists for the secondary goal; and
5   in response to determining that the child goal does exist, automatically flagging
6   the child goal to cause a user interface for an owner of that child goal to
7   indicate that the child goal should be checked for alignment.

1   61.   (Previously Presented) The computer system of Claim 60 wherein the
2   code is further configured for:
3   determining that the owner has verified the alignment of the child goal; and

4   in response to determining that the owner has verified the alignment,

5   automatically unflagging the child goal.

1   62.   (Previously Presented) The computer system of Claim 61 wherein the

2 code for determining content for the user interface is further configured for automatically

3 flagging the secondary goal for supervisory approval in response to determining that the

4 user has a supervisor.

1   63.   (Previously Presented) The computer system of Claim 62 wherein the

2 code for determining content for the user interface is further configured for:

3   populating objects for a graphical user interface with alignment information and

4   warnings; and

5   providing connections to tools for checking alignment.

1   64.   (Previously Presented) The computer system of Claim 63 wherein the

2 code for populating objects for a graphical user interface with alignment information and

3 warnings is further configured for specifying an appearance for at least one of a manager

4 warning object, a feedback warning object, and an alignment warning object.

1   65.   (Previously Presented) The computer system of Claim 64 wherein the

2 code for specifying an appearance for at least one of a manager warning object, a

3 feedback warning object, and an alignment warning object is further configured for

4 highlighting the alignment warning object in response to determining that the parent goal

5 has been modified.

1   66.   (Previously Presented) The computer system of Claim 64 wherein the

2 code for specifying an appearance for at least one of a manager warning object, a

3 feedback warning object, and an alignment warning object comprises is further

4 configured for highlighting the manager warning object in response to determining that a

5 supervisor has provided feedback pertaining to the secondary goal.

1   67.   (Previously Presented) The computer system of Claim 63 wherein the
2 code is further configured for:
3   providing connections to tools for checking alignment comprises providing an
4   alignment warning object; and
5   the code is further configured for displaying an interface for viewing the parent
6   goal, in response to selection of the alignment warning object.

1   68.   (Previously Presented) The computer system of Claim 63 wherein the
2 code for determining content for the user interface is further configured for providing an
3 evaluation status object that indicates whether a supervisor has evaluated the secondary
4 goal.

1   69.   (Previously Presented) The computer system of Claim 68 wherein the
2 code for determining content for the user interface is further configured for providing an
3 evaluation summary object that reflects evaluation results relating to at least one of
4 importance and effectiveness of the secondary goal.

1   70.   (Previously Presented) The computer system of Claim 57 wherein
2 generation of content of a secondary goal of the second goal type that causes alignment
3 of the secondary goal with the primary goal of the first goal type comprises generation of
4 the content of the secondary goal that results in realization of at least part of the primary
5 goal.

1   71.   (Currently Amended) A tangible, non-transitory computer readable
2 medium comprising code stored therein and executable by a processor, wherein the code
3 is configured for:
4   providing a first rule for relationships between goals of the first goal type;
5   providing a second rule for relationships between goals of the first goal
6   type and goals of the second goal type;
7   storing a primary goal of the first goal type;

8   determining content for a user interface, based on the first and second

9   rules, such that the content directs a user of the user interface in

10   generation of content of a secondary goal of the second goal type

11   that causes alignment of the secondary goal with the primary goal

12   of the first goal type;

13   storing the secondary goal of the second goal type;

14   determining, with the computer system, if the primary goal has been

15   modified; and

16   [[if]] upon modification of the primary goal ~~has been determined to have~~

17   ~~been modified~~, generating an alignment warning with the computer

18   system to provide notice regarding alignment between the

19   modified primary goal and the secondary goal, wherein generating

20   an alignment warning comprises generating an alignment warning

21   for display to alert a viewer of the display of the alignment

22   warning.

1   72.   (Currently Amended) The tangible, non-transitory computer readable

2 medium of Claim 71 wherein the code is further configured for:

3   activating a wizard; and

4   wherein the code for determining content for a user interface is further configured

5   for automatically customizing content for a screen capable of being

6   displayed by the wizard, based on at least one of the first rule and the

7   second rule, to direct the user of the user interface in the generation of the

8   content of the secondary goal that results in alignment of the secondary

9   goal with the primary goal.

1   73.   (Currently Amended) The tangible, non-transitory computer readable

2 medium of Claim 72 wherein the code is further configured for:

3   activating the wizard in response to a request from a user to modify the secondary

4   goal;

5   prompting the user to select a team to be associated with the secondary goal from

6   a drop-down list of teams; and

7   prompting the user to select a parent goal for the secondary goal from a list

8   showing all team goals linked to the selected team.

1   74.   (Currently Amended) The tangible, non-transitory computer readable

2   medium of Claim 73 wherein the code is further configured for:

3   in response to modification of the secondary goal, automatically determining

4   whether a child goal exists for the secondary goal; and

5   in response to determining that the child goal does exist, automatically flagging

6   the child goal to cause a user interface for an owner of that child goal to

7   indicate that the child goal should be checked for alignment.

1   75.   (Currently Amended) The tangible, non-transitory computer readable

2   medium of Claim 74 wherein the code is further configured for:

3   determining that the owner has verified the alignment of the child goal; and

4   in response to determining that the owner has verified the alignment,

5   automatically unflagging the child goal.

1   76.   (Currently Amended) The tangible, non-transitory computer readable

2   medium of Claim 75 wherein the code for determining content for the user interface is

3   further configured for automatically flagging the secondary goal for supervisory approval

4   in response to determining that the user has a supervisor.

1   77.   (Currently Amended) The tangible, non-transitory computer readable

2   medium of Claim 76 wherein the code for determining content for the user interface is

3   further configured for:

4   populating objects for a graphical user interface with alignment information and

5   warnings; and

6   providing connections to tools for checking alignment.

1   78.   (Currently Amended) The tangible, non-transitory computer readable

2 medium of Claim 77 wherein the code for populating objects for a graphical user

3 interface with alignment information and warnings is further configured for specifying an

4 appearance for at least one of a manager warning object, a feedback warning object, and

5 an alignment warning object.

1   79.   (Currently Amended) The tangible, non-transitory computer readable

2 medium of Claim 78 wherein the code for specifying an appearance for at least one of a

3 manager warning object, a feedback warning object, and an alignment warning object is

4 further configured for highlighting the alignment warning object in response to

5 determining that the parent goal has been modified.

1   80.   (Currently Amended) The tangible, non-transitory computer readable

2 medium of Claim 79 wherein the code for specifying an appearance for at least one of a

3 manager warning object, a feedback warning object, and an alignment warning object

4 comprises is further configured for highlighting the manager warning object in response

5 to determining that a supervisor has provided feedback pertaining to the secondary goal.

1   81.   (Currently Amended) The tangible, non-transitory computer readable

2 medium of Claim 77 wherein the code is further configured for:

3   providing connections to tools for checking alignment comprises providing an

4   alignment warning object; and

5   the code is further configured for displaying an interface for viewing the parent

6   goal, in response to selection of the alignment warning object.

1   82.   (Currently Amended) The tangible, non-transitory computer readable

2 medium of Claim 77 wherein the code for determining content for the user interface is

3 further configured for providing an evaluation status object that indicates whether a

4 supervisor has evaluated the secondary goal.

1   83.   (Currently Amended) The tangible, non-transitory computer readable

2   medium of Claim 82 wherein the code for determining content for the user interface is

3   further configured for providing an evaluation summary object that reflects evaluation

4   results relating to at least one of importance and effectiveness of the secondary goal.

1   84.   (Currently Amended) The tangible, non-transitory computer readable

2   medium of Claim 71 wherein generation of content of a secondary goal of the second

3   goal type that causes alignment of the secondary goal with the primary goal of the first

4   goal type comprises generation of the content of the secondary goal that results in

5   realization of at least part of the primary goal.

1   85.   (Previously Presented) The method of Claim 1 wherein generating an

2   alignment warning comprises presenting a message on a computer display.

REMARKS

Claims 1-13 and 56-85 are pending in the application.

Claims 1-13 and 56-85 stand rejected.

Claims 9-13, 65-69, and 79-83 are objected to, but would be allowable if rewritten, and to overcome the double patenting rejections under 35 U.S.C. § 101.

Claims 1, 57, and 71-84 have been amended.

Claim Rejections - 35 U.S.C. § 101

Claims 71-84 stand rejected under 35 U.S.C. § 101.

Claims 71-84 have been amended to recite a "tangible, non-transitory computer readable medium" in accordance with the Examiner's suggestion.

Applicants respectfully request withdrawal of the rejection.

Claim Rejections - 35 U.S.C. § 103

Claims 1-8, 56-64, 70-78, 84, and 85 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over eWorkbench, as disclosed in *Meyer* ("eWorkbench: Real-time Tracking of Synchronized Goals), *Dutton* ("Making Reviews More Efficient and Fair") and Mottl ("Appraisal Software Ends HR Paper Chase"), in view of Beaven et al., U.S. Publication No. 20040186762 (referred to herein as "*Beaven*"). Applicants respectfully traverse the rejection.

RESPONSE TO ARGUMENTS:

In the "Response to Arguments" section of the current Office Action, the Examiner stated that, "Until the claims are amended in such a fashion that the generation of the alert becomes more than optional ("if the primary goal has been determined to have been modified") and the content of the alert itself becomes more than non-functional, descriptive material, Applicant's arguments are for these additional reasons deemed to be moot." Office Action, p. 4.

Applicants have amended independent claims 1, 57, and 71 so that "generating an alignment warning" is not optional but rather occurs "upon modification of the primary goal."

Applicants respectfully submit that Applicants' arguments are not based on the content of the warning in claims 1, 57, and 71 but rather on the type of warning, i.e. the warning is an "alignment warning". The particular content of the warning is not being argued, rather the significance is the fact that the warning is an alignment warning type. Additionally, the *Beaven Provisional* provides Alerts "that will flag changes that occur in goals or projects previously indicated as being of particular interest." Thus, the Alert of the *Beaven Provisional* is not an "alignment warning" as required by claims 1, 57, and 71, but is simply an alert that flags changes in a goal or project. In the *Beaven Provisional*, whether the Alert relates to an original goal or a modified goal does not change the type of alert taught and suggested by the *Beaven Provisional*. The Alert in the *Beaven Provisional* still just flags changes. There's no mention of alignment and an associated alignment warning type notice. Thus, *Beaven Provisional* neither teaches nor suggests "upon modification of the primary goal, generating an alignment warning with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal but merely flags a change." Claims 1, 57, and 71.

DETAILED DISCUSSION:

As established in Applicants' request for continued examination submission of June 26, 2009, *Meyer* in view of *Dutton* neither teaches nor suggests "if the primary goal has been determined to have been modified, generating an alignment warning with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal." Claims 1, 57, and 71. The Examiner cites Beaven Provisional Application No. 60/133,152 ("*Beaven Provisional*") as providing the missing teaching. As cited by the *Office Action*, the *Beaven Provisional*, p. 21, lines 8-11 states:

> Users can also execute searches by name or word in the title of a goal or project, and can put Alerts in place that will flag changes that occur in goals or projects previously indicated as being of particular interest.

Thus, the Alerts of *Beaven Provisional* "will flag changes that occur in goals or projects." Figures 31 and 32 of the *Beaven Provisional* provide examples of setting the Alerts. Referring to Figure 31, an Alert can be set for a "start/finish data change", and Alert can be set for "any

change" in Increase PR for CI image, and so on. However, none of the Alerts are related to "alignment between the modified primary goal and the secondary goal" as required by claims 1, 57, and 71. All of the Alerts taught by the *Beaven Provisional* relate only to "changes that occur in goals or projects previously indicated as being of particular interest."

As observed by the Examiner, the *Beaven Provisional*, p. 31, line 21-p. 32, line 4 teaches:

links to any knowledge sources that the initiative team has chosen to put here so that the knowledge sources will be accessible to any members when necessary. An advantage of this facility is that with the domain structure linked to goals and initiatives and with knowledge linked to the goals and initiatives, the organization is provided with a clear and natural organization for placing and locating critical information when needed.

Thus, *Beaven Provisional* teaches a domain structure that provides links provide users with knowledge about goals and initiatives. The domain structure simply provides some knowledge about a goal. However, providing knowledge about a goal and initiative does <u>not</u> teach or suggest an "alignment between the modified primary goal and the secondary goal" as required by claims 1, 57, and 71.

The Examiner also cites the *Beaven Provisional* as teaching that a user can link strategic corporate goals and Information Technology initiatives. However, Applicants located no teachings to suggest that the *Beaven Provisional* teaches that the Information Technology initiatives are "secondary goals". Even assuming *arguendo* that the Information Technology initiatives are secondary goals, the *Beaven Provisional* still provides no teachings that the Alerts would indicate an "alignment warning".

Thus, *Beaven Provisional* neither teaches nor suggests "if the primary goal has been determined to have been modified, <u>generating an alignment warning</u> with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal" as required by claims 1, 57, and 71. *Beaven Provisional* simply teaches setting an Alert related to a particular goal without regard to an alignment warning.

Accordingly, *Meyer* in view of *Dutton* and the *Beaven Provisional* neither teach nor suggest claims 1, 57, or 71 or claims directly or indirectly dependent thereon.

Claim Rejections - Double Patenting

Claims 1-8, 56-64, 70-78, 84, and 85 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-38 of U.S. Patent No. 7,110,988 ('988 Patent). Applicants respectfully traverse the rejection.

"A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s)." MPEP §804. "In determining whether a nonstatutory basis exists for a double patenting rejection, the first question to be asked is - does any claim in the application define an invention that is >anticipated by, or is< merely an obvious variation of >,< an invention claimed in the patent?" *Id*.

The Examiner states that, "Although the conflicting claims are not identical, they are not patentably distinct from each other because deleting elements from the claims in the related patent would have been obvious." *Office Action*, p. 15. The Examiner cites *In re Karlson*, 311 F.2d 581 (CCPA 1963) as a basis for the Examiner's *prima facie* case of obviousness. Specifically, the Examiner states that, "Elimination of an element of its functions is deemed to be obvious in light of prior art teachings of at least the recited element or its functions." *Id*.

However, when comparing the claims of the Present Application to the claims of the in the instant case to the '988 Patent, there are numerous differences. Applicants respectfully submit that the claims of the Present Application are not merely a subset of the claims of the '988 Patent. For example, each of the claims in the Present Application include (either directly or through dependency) a limitation related to an "alignment warning". None of the claims in the '988 Patent include any limitation related to an "alignment warning". Thus, *In re Karlson* is inapplicable because the claims of the Present Application clearly do not just delete elements from the claims of the '988 Patent.

The Examiner provides a second basis for the double patenting rejection. The Examiner states that:

> the limitations recited in claims 1-8, 56-64, 70-78, 84, and 85 of the instant application, but not recited in the related patent, are deemed to be obvious

features to combine with the claimed invention of the patent because the references cited in the art rejection above collectively teach all of the claimed features and combination of these missing features with the claimed invention of the related patent would have yielded predictable and expected results and all features would operate the same in combination as they do separately. *Id.*, pp. 15-16.

The second basis for the double patenting rejection appears to rely upon the incorporation of elements in the references cited in the art rejection, i.e. "the <u>references cited in the art rejection</u> above <u>collectively teach</u> all of the claimed features and <u>combination of these missing features</u>." However, Applicants respectfully submit that the question is 'whether any claim of the Present Application is an obvious variation of the claimed invention of the '988 Patent.

The second basis for the double patenting rejection admits that the '988 Patent does not contain all the elements of claims 1-8, 56-64, 70-78, 84, and 85. The question then is whether the combination of elements in the claims of the Present Application is an obvious variation of the claims of the '988 Patent. Each of the claims, either directly or by dependency, of the Present Application include a limitation related to an "alignment warning". Applicants respectfully submit the Examiner has cited no elements of any of the claims in the '988 Patent that could represent an obvious variation of "generating an alignment warning with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal" as required by the claims of the Present Application.

Accordingly, for at least the foregoing reasons, Applicants respectfully request withdrawal of the obviousness-type double patenting rejection.

CONCLUSION

Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be issued. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is requested to telephone the undersigned at 512-338-9100.

Respectfully submitted,

/Kent B. Chambers/

Kent B. Chambers
Attorney for Applicant
(s)
Reg. No. 38,839